

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Margot Hesel	Team: Team # 8	CCRB Case #: 200911585	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 07/27/2009 11:30 PM	Location of Incident: intersection of 4th Avenue and 77th Street	Precinct: 68	18 Mo. SOL 1/27/2011	EO SOL 1/27/2011	
Date/Time CV Reported Tue, 07/28/2009 10:59 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 07/28/2009 10:59 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Qamar Zaman	02965	942738	068 PCT
2. Officers			068 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Fernando Caches	11749	945153	068 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers stopped § 87(2)(b)	
B. Officers	Force: Officers used physical force against § 87(2)(b)	
C. POM Qamar Zaman	Discourtesy: PO Qamar Zaman spoke obscenely to § 87(2)(b) and § 87(2)(b)	
D. POM Qamar Zaman	Discourtesy: PO Qamar Zaman spoke obscenely to § 87(2)(b)	
E. POM Qamar Zaman	Abuse: PO Qamar Zaman stopped § 87(2)(b)	
F. POM Qamar Zaman	Abuse: PO Qamar Zaman threatened to arrest § 87(2)(b)	

Case Summary

§ 87(2)(b) and § 87(2)(b) filed complaints with Internal Affairs on July 27, 2009 and July 28, 2009, respectively (encl. 6a-c). They stated that on July 27, 2009, PO Qamar Zaman arrested § 87(2)(b) and issued § 87(2)(b) and § 87(2)(b) summonses for § 87(2)(b). The following allegations resulted.

Allegation A: Abuse of Authority: Officers stopped § 87(2)(b) § 87(2)(g)

Allegation B—Force: Officers used physical force against § 87(2)(b) § 87(2)(g)

Allegation C—Discourtesy: PO Zaman spoke obscenely to § 87(2)(b) and § 87(2)(b)

§ 87(2)(g)

Allegation D—Discourtesy: PO Zaman spoke obscenely to § 87(2)(b) § 87(2)(g)

Allegation E—Abuse of Authority: PO Zaman stopped § 87(2)(b) § 87(2)(g)

Allegation F—Abuse of Authority: PO Zaman threatened to arrest § 87(2)(b) § 87(2)(g)

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) -old white male, 5'10" tall, 145 lbs, black hair and brown eyes. § 87(2)(b) is a § 87(2)(b)

IAB C/C Recording

§ 87(2)(b) called the IAB command center on July 27, 2009 (encl. 6a-c). He stated that he was talking to his girlfriend, when, all of a sudden, police officers came up to him and threw him on the ground (**Allegation A, Allegation B**). § 87(2)(b) stated that his shoulder was scratched and bleeding and his head hurt badly.

Medical Records

According to an ambulance call report, on § 87(2)(b) § 87(2)(b) was transported from 4th Avenue and 77th Street to § 87(2)(b) (encl. 14a-c). § 87(2)(b) § 87(2)(b)'s chief complaint was "my head hurts." He also complained of scratches to his chest and left shoulder, due to an altercation. Medical records from § 87(2)(b) noted that § 87(2)(b) was seen in the ER at § 87(2)(b) § 87(2)(b) complained of "the worst headache of my life." § 87(2)(b) stated that he was pushed by officers and had pain in his head as a result.

Medical Treatment of Prisoner Report

A medical treatment of prisoner report was prepared for § 87(2)(b) on the incident date (encl. 8a). The report noted that § 87(2)(b) stated that officers pushed him to the ground, and ever since, he has had pain in his head. § 87(2)(b) was taken to § 87(2)(b) in police custody.

Arrest Photograph

§ 87(2)(b)'s arrest photograph shows no sign of visible injury at this time (encl. 8b).

Pre-arraignment Screening Form

A pre-arraignment screening form was prepared for § 87(2)(b) on July 28, 2009. The form notes no injuries or medical conditions (encl. 8c).

CCRB Intake Statement

§ 87(2)(b) filed a complaint with the CCRB via the call processing system on July 30, 2009 (encl. 7a-c). He stated that he was trying to hug his girlfriend when he saw two officers coming towards him. The officers tackled § 87(2)(b) and threw him on the ground for no reason. § 87(2)(b) went to the hospital because he had a headache.

CCRB Statements

§ 87(2)(b) provided the CCRB with a phone statement on July 30, 2009 and an official statement on August 13, 2009 (encl. 8e-j). § 87(2)(g) § 87(2)(b) § 87(2)(b) stated that he and three of his friends, § 87(2)(b) § 87(2)(b) and § 87(2)(b) went to the 4th Avenue/77th Street R subway station stop to pick up § 87(2)(b). § 87(2)(b) was inside his car and § 87(2)(b) § 87(2)(b) and § 87(2)(b) were inside § 87(2)(b) car. § 87(2)(b) saw § 87(2)(b) exit the subway station and he got out of his car and approached her. § 87(2)(b) initially stated that he and § 87(2)(b) began to verbally argue at this time. He then recanted and said that he and § 87(2)(b) were just talking. § 87(2)(b) and § 87(2)(b) walked to § 87(2)(b)'s car, but did not get in the car. § 87(2)(b) and § 87(2)(b) then began to verbally argue. § 87(2)(b) began to cry and walked away from § 87(2)(b) § 87(2)(b) § 87(2)(b) walked about 100 feet from § 87(2)(b)'s car. § 87(2)(b) ran up to § 87(2)(b) and hugged her. She hugged him back.

One of § 87(2)(b)'s friends yelled out, "Cops!" § 87(2)(b) turned around, facing away from § 87(2)(b). PO Zaman and PO Caches ran toward him. Once they reached him, PO

Zaman raised one of his hands and hit § 87(2)(b) with an open palm on the back of his head (**Allegation A, Allegation B**). PO Caches used his right shoulder to push § 87(2)(b) on his right shoulder, causing § 87(2)(b) to fall to the ground. When § 87(2)(b) fell, the back of his head hit the passenger's side front wheel of an unoccupied vehicle that was parked nearby. § 87(2)(b) landed on the ground on his back, but because of the force in which he was thrown, he rolled onto his stomach. PO Zaman grabbed onto the back of § 87(2)(b)'s shirt, pulling his torso off of the ground. PO Zaman then let go of § 87(2)(b)'s shirt, causing § 87(2)(b) to fall to the ground face-up. § 87(2)(b) pulled his hands in front of his face because he was afraid that the officers were going to hit him in the face. § 87(2)(b) also extended his hands in front of his body, towards his body, and said, "What are you doing? Relax." During his phone statement, § 87(2)(b) stated that PO Zaman told him that he could "lock him up for anything." § 87(2)(b) did not make this allegation during his official statement.

PO Zaman hit § 87(2)(b) on his left shoulder and his left lower back. § 87(2)(b) could not describe how PO Zaman hit him or how many times. § 87(2)(b) then recanted and said, that he remembered being hit six or seven times in these places. Neither officer said anything to § 87(2)(b) while he was on the ground. PO Zaman then helped § 87(2)(b) to stand and frisked and searched him. When § 87(2)(b) protested, PO Zaman said, "Shut the fuck up (**Allegation C**).

§ 87(2)(b) was standing about 10 feet from § 87(2)(b) and the officers. She was crying and repeatedly asked the officers what they were doing. PO Zaman told § 87(2)(b) "Shut the fuck up. Back up" (**Allegation D**). During his phone statement, § 87(2)(b) stated that PO Zaman told § 87(2)(b) "I'm going to lock you up for nothing too" but he did not make this allegation during his official statement. § 87(2)(b) and § 87(2)(b) were standing about 50 feet behind § 87(2)(b). All three males told the officers that they had no right to do what they were doing. PO Zaman told § 87(2)(b) and the males, "get out of here." The males walked a few feet backward. § 87(2)(b) told PO Zaman that he was going to take down his name and shield number because the way he was talking was not right. PO Zaman told § 87(2)(b) "Say another word, and I'm going to lock you up." The officers went to their patrol car and sat inside it. § 87(2)(b) said, "Wow, this is ridiculous." PO Zaman exited the patrol car and handcuffed § 87(2)(b) (**Allegation E**). Once additional patrol cars arrived on the scene, § 87(2)(b) was handcuffed and arrested.

Notice of Claim

§ 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b) (encl. 17b-d). § 87(2)(g) § 87(2)(b) stated that at the time and place of occurrence, he was walking at a brisk pace behind § 87(2)(b) when PO Zaman "pounced" upon § 87(2)(b) and began to pound and beat § 87(2)(b) with both hands on § 87(2)(b)'s head, shoulders, upper back, arms and body. The investigation noted that according to § 87(2)(b)'s former statements, he was hugging § 87(2)(b) not walking behind her. PO Zaman threw § 87(2)(b) onto another person's car twice and then to the ground. PO Caches watched this happen without intervening, despite § 87(2)(b)'s pleas for help. In § 87(2)(b)'s Notice of Claim, he stated that he sustained the following injuries: bruises, swelling, and bleeding to his face, neck, shoulders, upper torso, arms and back.

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) -old white male, 5'7" tall, 150 lbs, black hair and brown eyes. § 87(2)(b) is § 87(2)(b)

IAB C/C Recording

§ 87(2)(b) called the IAB command center on July 28, 2009 (encl. 6a-c). He stated that he was sitting in one of his friends' cars when § 87(2)(b) had an argument with § 87(2)(b). § 87(2)(b) was hugging § 87(2)(b) when PO Zaman and PO Caches approached him. The officers tackled § 87(2)(b) to the ground (**Allegation A, Allegation B**). PO Zaman began talking "nasty" to § 87(2)(b) and everyone at the scene (**Allegation D**). § 87(2)(b) told § 87(2)(b) to take down PO Zaman's name and badge number. PO Zaman called § 87(2)(b) a "smart-aleck" and handcuffed him (**Allegation E**). PO Zaman also slammed § 87(2)(b) against a patrol car at least three times and § 87(2)(b)'s chest "almost broke open."

CCRB Statements

§ 87(2)(b) filed a complaint with the CCRB via phone on July 28, 2009 (encl. 7a-c), provided a phone statement to the CCRB on July 30, 2009 and provided an official statement to the CCRB on August 11, 2009 (encl. 9a-e). § 87(2)(g) § 87(2)(b) stated that after § 87(2)(b) exited § 87(2)(b)'s car, § 87(2)(b) ran after § 87(2)(b) and said, "Come here, come here!" § 87(2)(b) reached § 87(2)(b) and hugged her. § 87(2)(b) held her arms stiffly by her sides and did not hug § 87(2)(b) back. The officers told § 87(2)(b) "Let go, let go!" The officers "jumped" on § 87(2)(b) did not allege that PO Zaman told § 87(2)(b) to "Shut the fuck up." § 87(2)(b) stated that while the officers were "tackling" § 87(2)(b) § 87(2)(b) was standing three to five feet from the officers and § 87(2)(b). She repeatedly yelled, "That's my boyfriend. Let go." PO Caches and PO Zaman told § 87(2)(b) "please step aside." She was also told by PO Zaman, "I'm trying to calm everyone down. Move aside. Get the fuck over there" (**Allegation D**).

§ 87(2)(b) did not raise his voice, use profanity, or make any physical movements towards § 87(2)(b) or the officers. In § 87(2)(b)'s intake and official statements he stated that PO Zaman called him a "smart-ass" (**Allegation C**). In contrast, in his CCRB phone statement, he stated that PO Zaman called him a "smart-aleck."

After handcuffing § 87(2)(b) § 87(2)(b) and § 87(2)(b) who had come over to the scene, said, "What the fuck? Why are you arresting him?" PO Zaman responded, "I can arrest all of you" (**Allegation F**). The investigation noted that § 87(2)(b) did not allege that PO Zaman "slammed" him against his patrol car at least three times as alleged in his statement to IAB.

Victim: § 87(2)(b)

- § 87(2)(b) -old white female, 5'1" tall, 125 lbs, brown hair and brown eyes. § 87(2)(b) is § 87(2)(b)

CCRB Statements

§ 87(2)(b) provided a phone statement to the CCRB on August 6, 2009 and provided an official statement to the CCRB on August 13, 2009 (encl. 10a-f). § 87(2)(g) § 87(2)(b) She stated that on the date in question, she and § 87(2)(b) had gotten into an argument, and he surprised her by picking her up at the subway station at the incident location. After making a motion to dismiss § 87(2)(b)

with her hand and refusing to enter § 87(2)(b)'s car, § 87(2)(b) walked for about 20 feet on 4th Avenue as § 87(2)(b) ran after her. § 87(2)(b) told § 87(2)(b) she did not want to go with him. § 87(2)(b) said, "Come here" and § 87(2)(b) said no. § 87(2)(b)'s argument with § 87(2)(b) was only verbal—it was not physical at any time. § 87(2)(b) faced § 87(2)(b) and put his arms around her to hug her. § 87(2)(b) was stood with her arms to her side, and did not hug § 87(2)(b) back.

§ 87(2)(b) corroborated § 87(2)(b)'s statement regarding the allegation that PO Zaman hit § 87(2)(b) on the back of his head and then pushed him to the ground (**Allegation A, Allegation B**). § 87(2)(b) also corroborated § 87(2)(b)'s statement that PO Zaman punched § 87(2)(b) although § 87(2)(b) stated that he was hit on his left shoulder and his left lower back, whereas § 87(2)(b) stated that § 87(2)(b) was punched on his right side, near his ribs. § 87(2)(b) yelled, "Stop, that's my boyfriend. He didn't do anything."

At this time, another officer, PO Caches walked up and stood next to PO Zaman. § 87(2)(g) § 87(2)(b) stated that PO Caches did not make physical contact with § 87(2)(b). § 87(2)(b) panicked. While § 87(2)(b) was being frisked, she could not stop talking. PO Zaman told her more than twice to move away from the scene but § 87(2)(b) did not move until PO Zaman said, "Shut the fuck up and go sit over there" (**Allegation D**). PO Caches also told § 87(2)(b) "Go away and let him handle this."

Once the officers got back in their car, § 87(2)(b) told § 87(2)(b) that PO Zaman shouldn't have spoken to her in the way that he did. PO Zaman heard § 87(2)(b) say this from inside his car, and said, "You got something to say? You better shut up or I'll lock up all of you guys" (**Allegation F**). § 87(2)(g) § 87(2)(b) stated that § 87(2)(b) asked PO Zaman directly to see his badge, instead of encouraging § 87(2)(b) to do so. At this time, PO Zaman exited his vehicle and handcuffed § 87(2)(b) (**Allegation E**). § 87(2)(b) did not allege that PO Zaman directed profanity toward § 87(2)(b) or § 87(2)(b). § 87(2)(b)

Witness: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old white male.

Phone Statement

§ 87(2)(b) provided a phone statement to the CCRB on September 1, 2009 (encl. 11a). § 87(2)(b) did not allege that PO Zaman punched § 87(2)(b). § 87(2)(b) corroborated the other civilians' statements that PO Zaman cursed at § 87(2)(b) (**Allegation D**). At some point § 87(2)(b) told PO Zaman that he was going to § 87(2)(b). PO Zaman responded, "Stand over there and see how it's done." At some time, § 87(2)(b) asked for PO Zaman's badge number. PO Zaman handcuffed § 87(2)(b) (**Allegation E**) and said to § 87(2)(b) and § 87(2)(b) "If anyone says another word, I'm going to arrest you" (**Allegation F**). § 87(2)(b) and § 87(2)(b) had not been saying anything.

At the time of his phone statement, § 87(2)(b) withdrew his complaint. He then recanted and said that he might be able to come to the CCRB to give a formal statement, and would get back to the investigation. Between August 31, 2009 and September 10, 2009, the investigation sent two please call letters and made five phone calls to § 87(2)(b). § 87(2)(b) refused to schedule an appointment for an official statement with the CCRB.

Witness: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) -old white male.

Phone Statement

§ 87(2)(b) provided a telephone statement to the CCRB on September 3, 2009 (encl. 11b). § 87(2)(b) stated that he was either sitting inside § 87(2)(b)'s car or standing outside it while § 87(2)(b) and § 87(2)(b) were verbally arguing with one another. § 87(2)(b) did not allege that PO Zaman punched § 87(2)(b). § 87(2)(b) corroborated the other civilians' statements that PO Zaman cursed at § 87(2)(b) (**Allegation D**). § 87(2)(b) stated that § 87(2)(b) asked for PO Zaman's badge number once. PO Zaman responded, "If you don't shut up, I will throw you in handcuffs." PO Zaman then got back in his car, and § 87(2)(b) stated that he was going to look for a pen and paper to write down PO Zaman's badge number. PO Zaman got out of his car and told § 87(2)(b) "One more word out of you and I'll put you in handcuffs." PO Zaman then handcuffed § 87(2)(b) (**Allegation E**). § 87(2)(b) did not want to make a formal statement regarding this incident.

NYPD Statements

Subject Officer: PO QAMAR ZAMAN

- § 87(2)(b) -old Asian male, 6'1" tall, 210 lbs, brown eyes and black hair.
- On the date of the incident, PO Zaman from the 68th Precinct worked from 3:00 p.m. to 11:35 p.m. and was assigned to patrol with PO Fernando Caches. PO Zaman was dressed in uniform and was the recorder of a marked RMP.

Memo book

PO Zaman made entries in his memo book regarding this incident (encl. 12a-d). He noted that at 11:10 PM, he observed a dispute between a male and female at 77th Street and 4th Avenue. He observed that § 87(2)(b) got out of a vehicle and chased after a female, grabbing her and refusing to let go. § 87(2)(b) acted violently, flailed his arms, and refused to be handcuffed. § 87(2)(b) and § 87(2)(b) were arrested for § 87(2)(b), and § 87(2)(b) summonses were issued to § 87(2)(b) and § 87(2)(b). § 87(2)(b) was removed to § 87(2)(b) for a headache.

Arrest and Complaint Reports

The arrest and complaint reports for the incident noted the following (encl. 12e-h). At the time and place of occurrence PO Zaman observed that § 87(2)(b) was actively engaged in a heated dispute with a female. § 87(2)(b) chased the female for several feet and threw his arms around her, restraining her while she was screaming, yelling and flailing her arms to push him away. Police officers forcibly removed § 87(2)(b) from the female. § 87(2)(b) started flailing his arms at officers while refusing to be handcuffed.

Criminal Court Complaint

The criminal court complaint for the incident noted at the time and place of occurrence, PO Zaman saw § 87(2)(b) chase after an individual, shouting at this individual while doing so (encl. 12i). The individual continually yelled for § 87(2)(b) to let her go, and she kicked and flailed her arms in an attempt to break free from § 87(2)(b). PO Zaman had to forcibly remove § 87(2)(b) from the individual because § 87(2)(b) would not let go. A crowd of

approximately 10 people crowded around § 87(2)(b) and PO Zaman as a struggle ensued. When PO Zaman attempted to arrest § 87(2)(b) § 87(2)(b) flailed his arms and hands to be prevent being handcuffed.

Summonses

PO Zaman issued criminal court summonses for § 87(2)(b) to § 87(2)(b) and § 87(2)(b) respectively (encl. 12j-k). All three summonses noted that at the time and place of occurrence, § 87(2)(b) and § 87(2)(b) acted in a loud, threatening manner, using abusive language towards officers and others while officers were actively engaged with two others in a dispute. These actions caused public alarm and generated calls to 911. § 87(2)(b) and § 87(2)(b) were cited for § 87(2)(b) while § 87(2)(b) was cited for § 87(2)(b)

CCRB Testimony

PO Zaman was interviewed at the CCRB on October 20, 2009 (encl. 12l-n). He stated that at the time and place of occurrence, he and PO Caches were stopped in their car at a red light at the intersection of 4th Avenue and 77th Street, facing northbound on 4th Avenue. This is a well-lit area. There were two cars parked across the street and about 20 feet away from the intersection. The cars were parked one in front of the other. The officers saw a male, male #1, an individual identified by the investigation as either § 87(2)(b) or § 87(2)(b) exit the rear passenger door of the car parked in front, and open the driver's side door. PO Zaman was also shown a photograph of § 87(2)(b) PO Zaman stated that he did not recognize the individual in the photo and did not remember how he was involved in the incident. Another male, identified as § 87(2)(b) was sitting in the driver's seat. It appeared as if male #1 was trying to physically hold onto § 87(2)(b) to prevent him from exiting the car. At this time, PO Zaman suspected that one of the individuals might be committing grand larceny auto. Next, PO Zaman observed a female, identified as § 87(2)(b) exit the front passenger's seat of the car. § 87(2)(b) ran from the car and onto 4th Avenue. At this time, PO Zaman suspected that the individuals might have been involved in an attempted kidnapping.

Still inside the car, § 87(2)(b) pushed male #1 away from him, and ran after the female on 4th Avenue. § 87(2)(b) caught up with the female about a half a block from the initial scene. PO Zaman exited his car and ran after § 87(2)(b) When PO Zaman reached § 87(2)(b) he saw that § 87(2)(b) was "choking" the § 87(2)(b) When asked to clarify what "choking" meant, PO Zaman stated that § 87(2)(b) and § 87(2)(b) were facing each other and § 87(2)(b) had his arms around § 87(2)(b)'s torso. PO Zaman did not remember if § 87(2)(b) had his arms around § 87(2)(b)'s neck. § 87(2)(b) tried to push § 87(2)(b) away from her. § 87(2)(b) screamed, "Let go of me! Somebody help me." For these reasons, it appeared to PO Zaman as if § 87(2)(b) was holding § 87(2)(b) against her will.

PO Zaman said to § 87(2)(b) "Police! Let her go." § 87(2)(b) did not comply. Out of concern for § 87(2)(b)'s safety, PO Zaman stepped between the male and the female, and then used his right arm to hold § 87(2)(b) around his torso, pulling him away from the female. This action caused PO Zaman and § 87(2)(b) to fall to the ground. PO Zaman did not ever hit § 87(2)(b) on the back of his head with his hand, either intentionally or unintentionally as PO Zaman tried to separate him from § 87(2)(b) PO Zaman did not see PO Caches push § 87(2)(b) onto the ground with his shoulder. § 87(2)(b) landed face up on the ground. At this time, PO Caches, who had exited the officers' car a few moments after PO

Zaman, reached PO Zaman and § 87(2)(b) PO Zaman tried to handcuff § 87(2)(b) § 87(2)(b) flailed his arms and said, “Don’t touch me.” PO Zaman directed § 87(2)(b) to stop resisting and told him that he was just trying to handcuff him.

While § 87(2)(b) was lying on his back, PO Zaman and PO Caches tried to handcuff § 87(2)(b) § 87(2)(b) s right arm. After § 87(2)(b) s right arm was handcuffed, the officers were able to turn § 87(2)(b) onto his stomach to handcuff his left arm. The officers did not lift up § 87(2)(b) § 87(2)(b) from his shirt and drop him back down onto the ground. No additional physical force besides was used to handcuff § 87(2)(b) § 87(2)(b) was not punched on any part of his body. PO Zaman did not direct any profanity toward § 87(2)(b) and did not tell him to “Shut the fuck up.”

As PO Zaman initially separated § 87(2)(b) and the female, male #1 ran up from behind PO Zaman, to within a few feet of the scene and stated, “This is not necessary.” As the officers tried to handcuff § 87(2)(b) male #1 continued to stand less than a few feet away from the scene. Male #1 yelled, “You bastards. Let go of him. This is not necessary.” While attempting to handcuff § 87(2)(b) PO Zaman and PO Zaman repeatedly told male #1 to move back. Male #1 did not comply.

While the officers tried to handcuff § 87(2)(b) § 87(2)(b) had walked about five feet away from the scene and was crying. After § 87(2)(b) was handcuffed, § 87(2)(b) walked forward, so she was less than a foot away from the scene. § 87(2)(b) told the officers that she didn’t want § 87(2)(b) to be arrested, and stated that she and he had only had a heated argument. Both PO Zaman and PO Caches instructed § 87(2)(b) to step away from the scene multiple times. § 87(2)(b) did not initially comply, but finally took one step backward. PO Zaman did not direct any profanity toward § 87(2)(b) at this time. He did not tell her to “Shut the fuck up.” PO Zaman and PO Caches instructed § 87(2)(b) and male #1 to move away from the scene because they were concerned for their safety and § 87(2)(b) § 87(2)(b) s safety. The officers were trying to de-escalate the situation, and male #1’s actions were serving to escalate it.

At this time, two other males approached the scene. These males came from the second car parked near the bus stop. The investigation identified these males as § 87(2)(b) and either § 87(2)(b) or § 87(2)(b) The two males began screaming and cursing at the officers. PO Zaman did not remember these individuals’ exact statements. The officers instructed these individuals as well to step away from the scene. These individuals were eventually issued summonses for disorderly conduct. A crowd of about seven to 10 people who had been waiting at or near the bus stop started to form around the scene at this time. At no time did PO Zaman state to anyone at the scene, “I can arrest all of you.” PO Zaman stated that at this time, these individuals could have been arrested for disorderly conduct.

PO Zaman was asked if anyone else at the scene besides § 87(2)(b) was handcuffed. PO Zaman referred to his memo book and stated that § 87(2)(b) was also handcuffed. PO Zaman stated that after he told all the individuals to step away, § 87(2)(b) and two males moved away from the scene. § 87(2)(b) however, refused to step away and stood less than a foot away from the officers and § 87(2)(b) PO Zaman did not remember which individual, out of the ones he had already described, was § 87(2)(b) PO Zaman asked § 87(2)(b) again to step back. § 87(2)(b) said, “I’m not. I have a right to be here.” PO Zaman repeated that § 87(2)(b) needed to step back. § 87(2)(b) continued to yell and did not step back. At this time, for the officers’ and § 87(2)(b) s safety, § 87(2)(b) was placed in handcuffs. § 87(2)(b) was placed in handcuffs to restrain him and to calm the situation

down. The officers did not intend to arrest § 87(2)(b) § 87(2)(b) was placed inside the officers' RMP.

After § 87(2)(b) and § 87(2)(b) were handcuffed, PO Zaman called for his supervisor to respond to the scene. § 87(2)(b) complained to the other males at the scene that he had a headache. PO Zaman believed that one of the other males at the scene called an ambulance for § 87(2)(b) § 87(2)(b) did not complain to PO Zaman of having a headache or request to go to the hospital. PO Zaman observed that § 87(2)(b) had a scratch on his left arm. PO Zaman thought that the female gave § 87(2)(b) this scratch when she tried to get away as he was holding her. At no time did anyone at the scene request PO Zaman's name or shield number. At no time did PO Zaman call anyone a "smart-ass."

Witness Officer: PO FERNANDO CACHES

- § 87(2)(b) -old white male, 6'0" tall, 195 lbs, brown hair and brown eyes
- On the date of the incident, PO Caches from the 68th Precinct worked from 4:00 p.m. to 12:00 a.m. and was assigned to patrol with PO Zaman. PO Caches was dressed in uniform and was the assigned operator of a marked RMP.

Memo book

PO Caches made entries in his memo book regarding this incident (encl. 13a-c). He noted that at 11:19 p.m., four males were stopped and at 11:58 p.m., § 87(2)(b) was transported to § 87(2)(b)

CCRB Testimony

PO Caches was interviewed at the CCRB on October 21, 2009 (encl. 13d-f). § 87(2)(g) PO Caches stated while he and PO Zaman were stopped in their car at a red light, PO Zaman drew PO Caches's attention to a parked car, where two males were engaging in some sort of physical struggle. One male, identified as § 87(2)(b) was trying to push another male into the rear driver's seat of the car. In the meantime, § 87(2)(b) exited the front passenger's seat of the car and started running away on 4th Avenue. PO Zaman told PO Caches to park the car beyond the intersection, as it appeared as if the female was in danger. PO Caches turned on his lights and sirens, drove through the intersection, and parked the officers' car on the other side. PO Zaman exited the car and ran toward the male and female, who were standing facing towards one another and engaged in a physical struggle. PO Caches followed behind PO Zaman, about 10 to 15 feet behind him. PO Caches initially stated that § 87(2)(b) was holding the female in a chokehold, and then stated that he could not see exactly how § 87(2)(b) was making physical contact with the female, as his view was blocked by a parked van as he was running toward the scene. PO Caches did not remember if a crowd started to form around § 87(2)(b) and the female at this time.

When PO Caches was able to see clearly, he saw that PO Zaman was separating § 87(2)(b) and the female by pushing § 87(2)(b) away from the female. PO Caches could not remember exactly how PO Zaman made physical contact with § 87(2)(b) at this time. Besides pushing § 87(2)(b) PO Zaman did not have any further physical contact with § 87(2)(b) at this time. After PO Zaman pushed § 87(2)(b) § 87(2)(b) fell face up on the ground.

PO Caches approached § 87(2)(b) on the ground, from behind, and tried to grab onto § 87(2)(b)'s right arm. § 87(2)(b) resisted by flailing his arm and said, "Leave me alone! You

can't do this!" PO Caches told § 87(2)(b) not to resist. As PO Caches was trying to handcuff § 87(2)(b) § 87(2)(b) came within less than a foot from PO Caches's face and screamed at PO Caches, "What are you guys doing?"

Another male, who appeared to be a friend of § 87(2)(b)s, also came within a foot of PO Caches and said, "What are you doing? Let him go." PO Caches did not remember if this male was the one who had been pushed by § 87(2)(b) or if he was a different individual altogether. The officers instructed this individual to step back multiple times. This individual did not step back, and said to PO Caches, "I want your badge number and your name." PO Caches told the individual that he would give him his name and shield number but repeated that the individual needed to step back for the present moment. PO Caches did not remember if the individual asked for PO Zaman's name and badge number. PO Caches did not ever verbally provide his name or shield number to this individual. He stated that the individual could have read his name and shield number off of his shield at any time.

PO Caches later saw a male writing down some information which he believed was his name and shield number. He was not sure if the individual who wrote down this information was the same person who had asked for it. Altogether, PO Caches and PO Zaman instructed both § 87(2)(b) § 87(2)(b) and the male to step back more than 15 times. The individuals would step back for a second or two and then come back to the scene.

PO Caches and PO Zaman successfully handcuffed § 87(2)(b). After § 87(2)(b) was handcuffed, the male individual who had approached while § 87(2)(b) was being handcuffed yelled and directed profanity at the officers. PO Caches did not remember what the male said. A crowd began to form near the bus stop. PO Caches did not remember how many people were in the crowd. Because this male was acting disorderly and attracting a crowd, the officers decided to handcuff him. PO Caches did not ever remember if PO Zaman called this male a "smart-ass." At some point, two other male individuals approached the scene and stood on the sidewalk, near where § 87(2)(b) was handcuffed. PO Caches did not remember where these males had come from. He did not know if they were with § 87(2)(b) and the other individuals or if they had approached the scene independently.

The officers called for their patrol supervisor to verify § 87(2)(b)'s arrest, and Sgt. Maureen Keag arrived. A few other officers arrived as well, but PO Caches did not remember how many or who these officers were. PO Caches observed that § 87(2)(b) had a scratch on his arm and on his shoulder. PO Caches did not remember if these scratches were on § 87(2)(b)'s right or left sides. PO Caches did not remember if § 87(2)(b) requested medical treatment. All PO Caches remembered was seeing an ambulance arrive on the scene. PO Caches accompanied § 87(2)(b) § 87(2)(b) to the § 87(2)(b). While at the hospital, § 87(2)(b) told PO Caches that he was going to file a complaint against him and asked PO Caches questions about his arrest processing. Once it appeared to § 87(2)(b) as if he was going to wait at the hospital for a long time, he told his attending doctor that he was fine and that he wanted to leave.

Medical Records

According to an ambulance call report, on § 87(2)(b) § 87(2)(b) was transported from the incident location to § 87(2)(b) (encl. 14a-c). Medical personnel noted tenderness and redness to § 87(2)(b)'s head and a superficial laceration on his left shoulder. Medical records from § 87(2)(b) reflected that § 87(2)(b) was seen in the ER at § 87(2)(b) (encl. 14d-g). A physical exam revealed an abrasion on § 87(2)(b)'s left shoulder. No additional physical abnormalities were noted. § 87(2)(b) was

prescribed Tylenol and Bacitracin. § 87(2)(b)'s main diagnoses were headache and an abrasion.

NYPD Document(s)

68th Precinct Command Log

The 68th Precinct command log for July 27, 2009 noted that § 87(2)(b) and § 87(2)(b) were arrested for § 87(2)(b) and § 87(2)(b), respectively (encl. 15a-b). § 87(2)(b) was released with a c-summons. The log noted that § 87(2)(b) had scratches on his arms.

68th Precinct Roll Call

The 68th Precinct roll call for July 27, 2009 reflected that both PO Zaman and PO Caches were on duty (encl. 15c-d).

Prisoner Holding Pen Roster

The 68th Precinct prisoner holding pen roster for July 28, 2009 noted that § 87(2)(b) was inside the holding cell from 12:00 AM to 12:55 AM (encl. 15f). The roster also noted that § 87(2)(b) was inside the holding cell from 2:00 AM to 4:17 AM.

Sprint

A Sprint for the incident noted that at 11:19 PM, four males were stopped at the intersection of 77th Street and 4th Avenue by Sector F from the 68th Precinct (encl. 15g). At 11:54 PM, two males were under arrest.

Summons/Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]

Status of Civil Proceedings

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b), claiming personal injuries and seeking one million dollars as redress (encl. 17b-d). A 50-H hearing has been scheduled for § 87(2)(b).
- § 87(2)(b) and § 87(2)(b) have not filed Notice of Claims with regard to this incident (encl. 17e).

Civilian(s) Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]

Civilian(s) CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. 3-5).

Subject Officer(s) CCRB History

- PO Qamar Zaman has been a member of service for three years and there are no substantiated CCRB allegations against him (encl. 2).

Conclusion

Identification of Subject Officer(s)

- According to the officers and § 87(2)(b)'s CCRB statement, both PO Caches and PO Zaman were involved with stopping him and using physical force against him. § 87(2)(g)
- The civilians at the scene identified PO Zaman as the officer who committed all the other allegations during the incident. § 87(2)(g)

Investigative Findings and Recommendations

Allegations Not Pleaded

- Although other civilians at the scene stated that § 87(2)(b) asked PO Zaman for his shield number, § 87(2)(b) did not state that he did so. § 87(2)(g)
- PO Zaman issued § 87(2)(b) a summons on which PO Zaman's identifying information is written clearly.
- Although other civilians stated that PO Zaman threatened to arrest § 87(2)(b) as § 87(2)(b) did not make this allegation, it has not been pleaded.
- § 87(2)(g)

Allegation A: Abuse of Authority: Officers stopped § 87(2)(b)

§ 87(2)(g)

It is undisputed by the civilians at the scene that after engaging in a verbal argument with § 87(2)(b), § 87(2)(b) ran a short distance away from § 87(2)(b). In his CCRB testimony, § 87(2)(b) stated that once he reached § 87(2)(b) and hugged her, she immediately hugged him back. In § 87(2)(b)'s CCRB intake statement, he stated that he was "trying" to hug § 87(2)(b) when the officers approached him. According to § 87(2)(b)'s notice of claim, he was merely walking behind § 87(2)(b) when the officers stopped him. According to both § 87(2)(b) and § 87(2)(b), § 87(2)(b) held her arms stiffly by her sides as § 87(2)(b) tried to hug her. § 87(2)(b) also stated that when

§ 87(2)(b) initially tried to hug her, she raised both of her hands and made a motion as if to dismiss him, without making physical contact with him.

According to PO Zaman, he observed two males engaging in some sort of physical struggle inside § 87(2)(b)'s car, where it appeared as if one male was trying to prevent § 87(2)(b) from exiting his car. Simultaneously, § 87(2)(b) exited the vehicle and ran from it. Because the officers suspected attempted kidnapping or grand larceny auto, they ran towards § 87(2)(b) and § 87(2)(b) who had pursued her. When the officers reached § 87(2)(b) and § 87(2)(b), § 87(2)(b) had his arms around § 87(2)(b)'s torso. § 87(2)(b) screamed, "Let go of me! Somebody help me." According to PO Caches, after PO Zaman directed his attention to the scene, he saw § 87(2)(b) trying to push a male into the rear driver's seat of his car. Once PO Caches parked the officers' vehicle, he followed PO Zaman, running about 10 to 15 feet behind him. PO Caches initially stated that § 87(2)(b) was holding § 87(2)(b) in a chokehold, and then later stated that he could not see exactly how § 87(2)(b) was holding § 87(2)(b) because his view was obstructed.

§ 87(2)(g)
§ 87(2)(b) In his notice of claim, § 87(2)(b) stated that he was merely walking behind § 87(2)(b) when the officers approached him. § 87(2)(g)

§ 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

According to Penal Law Article 245, section 25, harassment in the first degree is defined as when a person intentionally and repeatedly harassing another person by following this person in a public place, or by engaging in conduct that places this person in reasonable fear of physical injury (encl. 1a). § 87(2)(g)

§ 87(2)(b) According to Patrol Guide procedure 208-01 (encl. 1b), a police officer may arrest an individual when he reasonably suspects that this individual is committing a crime within his presence. § 87(2)(g)

Allegation B—Force: Officers used physical force against § 87(2)(b)

§ 87(2)(g)

According to § 87(2)(b) while he was hugging § 87(2)(b) PO Zaman ran up from behind him and hit § 87(2)(b) with an open palm on the back of his head. PO Caches then used his right shoulder to push § 87(2)(b) on his right shoulder, causing § 87(2)(b) to fall to the ground. § 87(2)(b) stated that he fell to the ground face up, but because of the force in which he fell to the ground, he rolled over to be face down on the ground. While § 87(2)(b)

admitted that he held his arms in front of his face and also extended them out towards the officers. § 87(2)(g)

According to Penal Law 35.30, an officer may use the amount of force both reasonable and necessary in order to effect an arrest (encl. 1c). § 87(2)(g)

Allegation C—Discourtesy: PO Zaman spoke obscenely to § 87(2)(b) and § 87(2)(b)

§ 87(2)(g)

According to § 87(2)(b)'s CCRB testimony, he protested as PO Zaman frisked and searched him. In response, PO Zaman said, "Shut the fuck up." The investigation noted that § 87(2)(b) did not allege this in his statement to IAB, his phone statement, or his notice of claim. No other civilians at the scene alleged that PO Zaman told § 87(2)(b) to "shut the fuck up."

PO Zaman and PO Caches stated that PO Zaman did not make this statement.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b)'s reporting of the profanity used by PO Zaman varied amongst his many statements. The investigation noted that during his CCRB intake statement and his CCRB testimony, § 87(2)(b) stated that PO Zaman called him a "smart-ass" during the incident. However, in § 87(2)(b)'s statement to IAB, he stated that PO Zaman called him a "smart-aleck." In § 87(2)(b)'s phone statement to the CCRB, he stated that PO Zaman said, "Are you trying to be smart with me?" and did not allege that PO Zaman called him a "smart-ass." The investigation noted that no other civilian at the scene corroborated § 87(2)(b)'s claim that PO Zaman called him a "smart-ass."

PO Zaman stated that he did not call anyone at the scene a "smart-ass." PO Caches did not remember if PO Zaman called § 87(2)(b) a smart-ass.

§ 87(2)(g)

Allegation D--Discourtesy: PO Qamar Zaman spoke obscenely to § 87(2)(b)

§ 87(2)(g)

According to all of the civilians at the scene, PO Zaman cursed at § 87(2)(b) in various contexts, depending on the particular civilian's testimony. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) stated in her CCRB testimony, that while § 87(2)(b) was being frisked, she was “in shock” and “could not stop talking.” In her phone statement, § 87(2)(b) stated that she became panicked at this time. § 87(2)(b) stated that PO Zaman told her more than twice to move away from the scene, and that PO Caches also directed her to move. § 87(2)(b) did not move until PO Zaman said, “Shut the fuck up and go sit over there.” § 87(2)(b) then moved five to 10 steps away from the officers and § 87(2)(b)

According to PO Zaman, after § 87(2)(b) was handcuffed, § 87(2)(b) approached the scene, so that she was less than a foot away from the officers and § 87(2)(b) PO Zaman and PO Caches instructed § 87(2)(b) multiple times to step away from the scene. She did not comply initially, but eventually stepped back. According to PO Caches, while he was trying to handcuff § 87(2)(b) the female came within one foot of PO Caches and screamed in his face, “What are you doing?” PO Caches and PO Zaman instructed § 87(2)(b) and another male at the scene to step back more than 15 times. The individuals would step back for a second and then move back toward the scene.

§ 87(2)(g)

Allegation E—Abuse of Authority: PO Qamar Zaman stopped § 87(2)(b)

§ 87(2)(g)

According to § 87(2)(b)'s CCRB testimony, as soon as he saw a patrol car pull up to § 87(2)(b)'s vehicle, he exited § 87(2)(b)'s car and ran up to the scene, eventually stopping seven to eight feet from § 87(2)(b) and the officers. The investigation noted that in § 87(2)(b)'s phone statement, he claimed that he did not exit § 87(2)(b)'s car until after, when PO Zaman used profanity with § 87(2)(b). § 87(2)(b) did not do or say anything as the officers made physical contact with § 87(2)(b). As § 87(2)(b) was being frisked, § 87(2)(b) walked up to § 87(2)(b) who was standing three to five feet from § 87(2)(b) and the officers. § 87(2)(b) told § 87(2)(b) to record PO Zaman's name and badge number. § 87(2)(b) did not say anything additional to § 87(2)(b) and did not speak to the officers. He did not raise his voice, use profanity, or make any physical movements toward § 87(2)(b) and the officers. PO Zaman then turned to § 87(2)(b) and handcuffed him.

According to PO Caches, as the officers were trying to restrain § 87(2)(b) § 87(2)(b) came up to the officers and said, “What are you doing? Let him go.” The officers instructed § 87(2)(b) to step back multiple times and he did not. After § 87(2)(b) was handcuffed, § 87(2)(b) approached the officers and directed profanity at them. A crowd began to form near

the scene. Because § 87(2)(b) was acting disorderly and causing a scene, the officers decided to handcuff § 87(2)(b).

PO Zaman stated that after § 87(2)(b) and § 87(2)(b) complied with his instructions to move away from the scene, § 87(2)(b) refused to move. § 87(2)(b) said, “I have a right to be here.” § 87(2)(b) continued to yell and would not step back. At this time, the officers handcuffed § 87(2)(b) for their safety, as a means to restrain him, and to try and deescalate the situation. PO Zaman also noted that a crowd of seven to 10 people started forming around the scene.

§ 87(2)(g)

[REDACTED]

Allegation F—Abuse of Authority: PO Qamar Zaman threatened to arrest § 87(2)(b)

As noted in the witness statement’s section, § 87(2)(b) refused to provide a formal statement to the CCRB. § 87(2)(g)

[REDACTED]

Team: _____

:

Investigator: _____	_____	_____
Signature	Print	Date

Supervisor: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date

